

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
LUFKIN DIVISION

ROBERT L. RANGEL, ET AL. §  
Vs. § CIVIL ACTION NO. 9:07CV211  
UNION PACIFIC RAILROAD COMPANY §

ORDER

Plaintiffs Robert L. Rangel, Billy C. Hill and Martin Castillo filed the above-styled lawsuit on September 10, 2007, in the Eastern District of Texas, Lufkin Division. The matter was referred to the undersigned to conduct pretrial proceedings in accordance with [28 U.S.C. § 636](#).

On April 18, 2008, Defendant filed a Motion to Transfer Venue, seeking a transfer of Robert Rangel's claims to the District of Nebraska. Recently, the Fifth Circuit granted a petition for rehearing en banc regarding the decision of [In re Volkswagen, 506 F.3d 376 \(5th Cir. 2007\)](#), vacating its previous opinion and judgment and staying the mandate. *See In re Volkswagen*, No. 07-40058 (5th Cir. Feb. 14, 2008) (order granting petition). The undersigned finds that the *Volkswagen* decision is central to an analysis of a 28 U.S.C. § 1404(a) transfer in this Circuit. As a result, the claims of Robert Rangel should be stayed pending the en banc decision of the Fifth Circuit in *Volkswagen*. In light of the foregoing, it is hereby

**ORDERED** that Defendant's Motion to Transfer Venue ([document #33](#)) and the claims of

Robert Rangel are **STAYED**, pending the en banc decision of the Fifth Circuit in the matter of *In Re Volkswagen*.

So **ORDERED** and **SIGNED** this **12** day of **May, 2008**.



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JUDITH K. GUTHRIE  
UNITED STATES MAGISTRATE JUDGE